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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/603,338 06/26/00 ZHANG

H ORT-1238

EXAMINER

HM22/0927

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MOHAMED, A

ART UNIT

PAPER NUMBER

1653

DATE MAILED:

09/27/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/603,338

Applicant(s)

ZHANG ET AL.

Examiner

Abdel A. Mohamed

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1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

For restriction purposes only

- 1) ☒ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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STATUS OF THE CLAIMS

Claims 1-23 are pending in this application.

RESTRICTION REQUIREMENT

Claims 1-10 and 23, drawn to derivatives of indazole peptidomimetics compounds, to a pharmaceutical formulations and to process of making pharmaceutical compositions and the compounds thereof will be examined along with any elected groups.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, 23 and 11-14, drawn to a method of treating a condition, classified in classes 514 and 548, subclasses 2 and 146, respectively.
- II. Claims 1-10, 23 and 15-18, drawn to a method of inhibiting platelet aggregation, classified in classes 514 and 548, subclasses 19 and 215, respectively.
- III. Claims 1-10, 23 and 19-22, drawn to a method of treating a condition mediated by thrombin receptor (PAR-1), classified in classes 514 and 548, subclasses 18 and 333.5, respectively.

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The inventions are distinct, each from the other because:

Although Inventions I-III are related, the etiology or cause for the aforementioned treatment/inhibition disease entities are divergent and a search conducted for one would not necessarily overlap with a search conducted for another. Further, Inventions I-III differ in method of treatment and/or inhibition treatment steps, parameters and purposes used, and as such, one does not require the other for ultimate use and is capable of separate manufacture, use and sale, and is novel and patentable over each other.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the searches for individual subject groups are not coextensive, restriction for examination purposes as indicated is proper.

ELECTION OF SPECIES REQUIREMENT

Claims 1-7 and 23 are generic to a plurality of disclosed patentably distinct species comprising of derivatives of indazole peptidomimetics compounds which encompass a various modifications of alkyl, aroyl, alkoxy, hydroxy, etc. substituents of different compound species and derivatives that require different classification, and as such, different bibliographic and/or literature, manual and computer search (i.e., burdensome search necessary). Therefore, Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (i.e., a single compound), and

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to list all claims readable thereon including those subsequently added, even though this requirement is traversed. Further, Applicant should include a chemical structure of the elected species/compound if it is not disclosed in the specification.

Should Applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the Examiner finds one of the species/inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

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CONCLUSION AND FUTURE CORRESPONDENCE

Claims 1-23 are subject to election/restriction requirement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdel A. Mohamed whose telephone number is (703) 308-3966. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00 p.m. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached on (703) 308-2923. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Christopher S. F. Low
CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

AM Mohamed/AAM

September 26, 2001